

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
KEVIN BRANDEL, Individually and on Behalf of  
all Others Similarly Situated,

Plaintiff,

v.

SIBANYE GOLD LIMITED, NEAL FRONEMAN,  
and CHARL KEYTER,

Defendants.  
-----x

Case No. 18-cv-03721

-----x  
LESTER HEUSCHEN, JR., Individually and on  
Behalf of all Others Similarly Situated,

Plaintiff,

v.

SIBANYE GOLD LIMITED, NEAL FRONEMAN,  
and CHARL KEYTER,

Defendants.  
-----x

Case No. 18-cv-03902

**STIPULATION AND [PROPOSED] ORDER REGARDING  
CONSOLIDATION OF RELATED ACTIONS AND DEFENDANTS’  
TIME TO RESPOND TO AMENDED COMPLAINT**

**WHEREAS**, on June 27, 2018, Kevin Brandel, individually and on behalf of all other persons similarly situated, filed a purported class action complaint captioned *Brandel v. Sibanye Gold Ltd., et al.*, Case No. 1:18-cv-03721;

**WHEREAS**, on July 6, 2018, Lester Heuschen, Jr., individually and on behalf of all other persons similarly situated, filed a purported class action complaint captioned *Heuschen v. Sibanye Gold Ltd., et al.*, Case No. 1:18-cv-03902 (collectively, the “**Actions**”);

**WHEREAS**, the Actions allege violations of the federal securities laws and are, therefore, governed by the Private Securities Litigation Reform Act of 1995 (the “**PSLRA**”);

**WHEREAS**, the PSLRA provides for consolidation of any related actions and then the appointment of a lead plaintiff and lead counsel, after a 60-day notice period expires following the publication of notice of the filing of an initial securities class action;

**WHEREAS**, motions have been filed for the appointment of lead plaintiff and lead counsel;

**WHEREAS**, the undersigned parties agree that the Actions are related and should be consolidated into one action (the “**Consolidated Action**”) because they arise from the same alleged transactions or occurrences, and that the consolidation should take place prior to or simultaneous with the appointment of a lead plaintiff and lead counsel;

**WHEREAS**, the parties agree that it would serve the interests of judicial economy and efficiency to extend defendants’ time to respond until after the consolidation of the Actions, appointment of a lead plaintiff and lead counsel, and filing of a consolidated amended complaint;

**THE PARTIES HEREBY STIPULATE AND AGREE**, by and through their undersigned counsel, that:

1. Defendants shall have no obligation to respond to the individual complaints filed in the respective Actions;
2. The Actions should be consolidated into one Consolidated Action for all purposes before Judge Kiyo A. Matsumoto. The Consolidated Action shall be captioned *In re Sibanye Gold Ltd. Securities Litigation*, Case No. 18-cv-03721 (KAM) (PK), and the files of this action shall be maintained in one file under Master File No. 18-cv-03721 (KAM) (PK). The action

captioned *Heuschen v. Sibanye Gold Ltd., et al.*, No. 1:18-cv-03902 shall be closed for administrative purposes. The Clerk of the Court shall file a copy of this Order in each of the individual Actions.

3. Any other actions now pending or hereafter filed in this District that arise out of the same facts and claims alleged in the Actions shall be consolidated into the Consolidated Action for all purposes. The parties shall notify the Court of any other action which is pending or filed outside of this District which may be related to the Consolidated Action when they become aware of such actions.

4. Every pleading filed in the Consolidated Action shall bear the following caption:

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

In re SIBANYE GOLD LTD. SECURITIES  
LITIGATION

Master File No.  
18-cv-03721 (KAM) (PK)

CLASS ACTION

This Document Relates To:

5. When a pleading is intended to be applicable to all actions to which this Order applies, the words “All Actions” shall appear immediately after the words “This Document Relates To” in the caption above. When a pleading is intended to be applicable only to some, but not all, of the actions to which this Order applies, the docket number of the individual action to which the pleading is applicable shall appear immediately after the words “This Document Relates To” in the caption above.

6. Within ten (10) days of entry of an Order appointing a Lead Plaintiff and Lead Counsel in the Consolidated Action, Lead Counsel and counsel for Defendants shall jointly submit a proposed schedule to the Court addressing: (i) the filing of a consolidated amended complaint; (ii) Defendants' response to the same, including any motion(s) to dismiss; and (iii) all associated briefing.

7. Undersigned counsel for the Defendants have agreed to accept service of process in the Actions. This Stipulation shall not be deemed to waive any defense other than as to sufficiency of process in the Actions or the Consolidated Action.

**IT IS SO STIPULATED.**

Dated: New York, New York  
September 18, 2018

The Rosen Law Firm, P.A.

By: PK 1817  
Phillip Kim  
Laurence M. Rosen  
275 Madison Ave., 34<sup>th</sup> Floor  
New York, NY 10016  
(212) 686-1060  
(212) 202-3827 (fax)  
pkim@rosenlegal.com  
lrosen@rosenlegal.com

*Attorneys for Plaintiff Kevin Brandel,  
individually and on behalf of all others  
similarly situated*

Dated: New York, New York  
September 18, 2018

Pomerantz LLP

By: Jeremy A. Lieberman /JAL

Jeremy A. Lieberman  
J. Alexander Hood II  
600 Third Ave., 20<sup>th</sup> Floor  
New York, NY 10016  
(212) 661-1100  
(212) 661-8665 (fax)  
jalieberman@pomlaw.com  
ahood@pomlaw.com

*Attorneys for Plaintiff Lester Heuschen, Jr.,  
individually and on behalf of all others  
similarly situated*

Dated: New York, New York  
September 18, 2018

Linklaters LLP

By: /s/ Adam S. Lurie  
James R. Warnot, Jr.  
Adam S. Lurie  
Brenda DiLuigi  
1345 Avenue of the Americas  
New York, NY 10105  
(212) 903-9000  
(212) 903-9100 (fax)  
james.warnot@linklaters.com  
adam.lurie@linklaters.com  
brenda.diluigi@linklaters.com

*Attorneys for Defendants Sibanye Gold  
Limited, Neal Froneman, and Charl Keyter*

SO ORDERED.

Dated: New York, New York  
\_\_\_\_\_, 2018

\_\_\_\_\_  
KIYO A. MATSUMOTO  
United States District Judge